UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/842,084	04/26/2001	Satoshi Ejima	032436.01	9829

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EXAMINER
VENT, JAMIE J

ART UNIT	PAPER NUMBER
2621	

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/842,084	EJIMA ET AL.
	Examiner	Art Unit	
	Jamie Vent	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>23 December 2005</u>.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1,2,6-17,21-29 and 33-43</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1,2,6-17,21-29 and 33-43</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments with respect to claim 1 have been considered but are moot

in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims 1, 2, 6, 12, 13-16, 17, 21, 24-28, 29, 38, 40-42, and 43 are rejected under

35 U.S.C. 103(a) as being unpatentable by Utsumi et al (US 5,574,569) in view of

Kanda (US 5,930,446).

[claim, 1, 28, & 42]

In regard to Claims 1, 28, and 42, Utsumi et al discloses an information processing

apparatus that reproduces information stored as recording units, each recording unit

including at least one of image information, memo information and sound information,

the information processing apparatus comprising:

- storage means for storing the recording units (Figure 5 optical disc 40 as

    further described in Column 6 Lines 58+);

- recording unit selection means for selecting at least one recording unit

    from among the recording units stored in the storage means (Figure 5

    control device 45 for controlling the selection of the main image signal or

the sub-image signal as further described in Column 6 Lines 58+ to
Column 7 line 53);

- reproduction order setting means for setting a reproduction order of a
  plurality of the recording units selected by the recording unit selection
  means (Figure 5 shows the setting means for the reproduction order of a
  plurality of recording units);

- reproduction time setting means for setting a reproduction time for each of
  the recording time for each of the recording units set by the reproduction
  order setting means (Figure 5 shows a control device 45 wherein
  reproduction order and time setting means are selected by the recording
  unit as further described in Column 7 Lines 5 to Column 8 Line 63);

- reading means for reading the recording units from the storage means
  based on the order set by the reproduction setting means (Column 7 Lines
  64 to Column 8 Line 39 describes the reading means of the recording
  unit);

- reproduction means for reproducing information contained in each
  recording unit read by the reading means in accordance with the
  reproduction time set by the reproduction time setting means (Figure 5
  shows the reproduction means for reproducing information in each
  recording unit); however fails to disclose the reproduction time setting
  means setting the reproduction time based on a recording time of the
  sound information when the sound information is included in the recording

unit and setting a predetermined constant time as the reproduction time

when the sound information is not included in the recording unit.

Kanda discloses a recording and reproducing system wherein information is transmitted

recorded and reproduced depending on video and audio signal inputs. As seen in

Figure 10 the DMA controller 70e controls read-timing of the audio data to be read-out

from the buffer memories 75b and provides the information to the audio data processor

unit 75. The audio data processor unit controls write-timing, time when audio data is

written in the buffer memories and thereby the reproduction time is set based on the

sound information as the audio data is written into the buffer memory as described in

Column 20 Lines 50+ through Column 21 Lines 1-20. The ability to set the reproduction

time based on the recording time of the sound information provides a more efficient and

accurate timing of the edited audio and video data. Therefore, it would have been

obvious to one of ordinary skill in the art at the time of the invention to use the

information processing system, as disclosed by Utsumi et al, and further incorporate a

system wherein the reproduction time was based on the recording time of the sound

information, as disclosed by Kanda.

[claim 2]

In regard to Claim 2, Utsumi et al discloses the information processing apparatus further

comprising an information selection means for selecting the information to be

reproduced from all the information contained in each recording unit selected by the

recording unit selection means; and wherein the reproduction means selects only

information selected by the information selection means from among all the information

contained in each selected recording unit (Figure 5 control device 45 for controlling the

selection of the main image signal or the sub-image signal as further described in

Column 6 Lines 58+ to Column 7 line 53).

[claim 6]

In regard to Claim 6, Utsumi et al discloses an information processing apparatus further

comprising changing means for changing the reproduction time set by the

reproduction time setting means (Column 7 Lines 54 through Column 8 Lines 63

describes the information processing apparatus that changes the reproduction time set

by the reproduction means).

[claims 12, 38, & 43]

In regard to Claims 12, 38, 43 Utsumi et al discloses an information processing

apparatus comprising:

- generation means for generating a reproduction group including at least

  one recording unit (Figure 5 shows the generating of the reproduction

  group wherein the image signal is read as one group and the sub-image

  signal is read as another group);

- setting means for setting a reproduction order of each recording unit

  contained in the reproduction group and designation means for

  designating a desired reproduction group (Column 3 Lines 25-67

  describes the setting means for setting reproduction order of the recording

  unit);

- reproduction means for reproducing each recording unit contained in the

  reproduction group designated by the designation means, the

  reproduction means reproducing each recording unit baaed on the

  reproduction order set by the setting means (Figure 5 shows the

  reproduction means for reproducing information in each recording unit).;

  and

- prohibition means for prohibiting reproduction of recording units that are

  not contained in the reproduction group designated by the designation

  means (Figure 5 shows the reproduction means which prohibits the

  reproduction of recording units that are not contained in the reproduction

  group).

[claims 13 & 25]

In regard to Claims 13, and 25, Utsumi fails to disclose the claimed resetting

means. Kanda discloses a system for editing a material required to be reported as soon

as possible, such as sports and news reports wherein video clips (groups) order can be

rearranged (reset) as desired during the editing process as further seen in Column 16

Lines 15-27 and Column 17 Lines 40-55. During the video image processing, it is

desirable to be able to rearrange (reset) the order of video clips (video image

sequences) since this facilitates the processing of the video clips. It would have been

obvious to modify Utsumi et al by realizing Utsumi with the means to rearrange the

video image groups, as taught by Kanda, since this facilitates the processing of image

signals

[claims 14, 15, 26, 27, 39, 40 & 41]

In regard to Claims 14, 15, 26, 27, 39, 40, and 41 the claimed limitations are

accommodated in the discussion of Claim 13 above. It is noted the examiner reads

dissolution means as a means for removing or changing the original order to the video

clips. To reset the order of the video clips, the video clips themselves would have to be

dissolved.

[claim 16]

In regard to Claim 16, Utsumi et al discloses an information processing apparatus-

comprising:

- a memory that stores recording units, each recording unit including at

  least one of image information, memo information and sound information

  (Figure 5 optical disc 40 as further described in Column 6 Lines 58+);

- a recording unit selector that selects at least one recording unit from

  among the recording units stored in the memory (Figure 5 control device

  45 for controlling the selection of the main image signal or the sub-image

  signal as further described in Column 6 Lines 58+ to Column 7 line 53);;

- a reproduction order setting device that sets a reproduction order of a

  plurality of the recording units selected by the recording unit selector

  (Figure 5 shows a control device 45 wherein reproduction order and time

  setting means are selected by the recording unit as further described in

  Column 7 Lines 5 to Column 8 Line 63); and

- a controller coupled to the memory, the recording unit selector and to the

  reproduction order setting device to set a reproduction time for each of the

  recording units set by the reproduction order setting device, and to control

  reading of the recording units from the memory based on the order set by

  the reproduction order setting device and reproduction of the information

  contained in each recording unit in accordance with the set reproduction

  time (Figure 5 shows the controller coupled to adata store wherein the

  recording unit selector selects the reproduction order)

[claim 17]

In regard to Claim 17, Utsumi et al discloses an information processing apparatus

further comprising an information selector coupled to the controller to select the

information to be reproduced from all the information contained in each recording unit

selected by the recording unit selector; and wherein the controller reproduces only

information selected by the information selector from among all the information

contained in each selected recording unit (Figure 5 control device 45 for controlling the

selection of the main image signal or the sub-image signal as further described in

Column 6 Lines 58+ to Column 7 line 53).

[claim 21]

In regard to Claim 21, Utsumi et al discloses an information processing apparatus

further comprising a changing device coupled to the controller to change the

reproduction time set by the controller (Column 7 Lines 54 through Column 8 Lines 63

describes the information processing apparatus that changes the reproduction time set

by the reproduction means).

[claim 24]

In regard to Claim 24, Utsumi et al discloses an information processing apparatus, as

recited in Claim 1, additionally comprising:

- a reproduction group generator that generates at least one reproduction

  group including at least one recording unit (Figure 5 shows the generating

  of the reproduction group wherein the image signal is read as one group

  and the sub-image signal is read as another group);

- a setting device that sets a reproduction order of each recording unit

  contained in the at least one reproduction group (Column 3 Lines 25-67

  describes the setting means for setting reproduction order of the recording

  unit);

- a designator that designates a desired reproduction group (Figure 5

  shows the designator means for designating reproducing information in

  each recording unit).; and; and

- a controller coupled to the reproduction group generator, the setting

  device and to the designator to reproduce each recording unit contained in

  the reproduction group designated by the designator, the controller

  reproducing each recording unit baaed on the set reproduction order, and

  prohibiting reproduction of recording units that are not contained in the

designated reproduction group (Figure 5 shows the controller coupled to a

data store wherein the recording unit selector selects the reproduction

order).

[claim 29]

In regard to Claim 29, Utsumi et al discloses a method comprising: selecting the

information to be reproduced from all the information contained in each selected

recording unit; and wherein the reproducing step reproduces only the selected

information from among all the information contained in each selected recording unit

(Figure 5 control device 45 for controlling the selection of the main image signal or the

sub-image signal as further described in Column 6 Lines 58+ to Column 7 line 53).

3.   Claims 7, 8, 33, and 34 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Utsumi et al (US 5,574,569) in view of Kanda (US 5,930,446) in

further view of Chao et al (US 5,732,184).

[claims 8 & 34]

In regard to Claims 8 and 34, Utsumi et al in view of Kanda discloses a image signal

transmission apparatus that is used to transmit main images and sub image; however,

fails to disclose that the image information includes multiple frames of continuously

photographed images, the apparatus further comprising frame selection for selecting at

least a predetermined frame to be reproduced from the continuously photographed

images. Chao et al teaches a computer-based system for editing video and audio

sequences wherein during the editing process desired frames of a video clip

(continuously photographed sequences of frames) are selected, by moving a cursor via a mouse for processing the images. Furthermore during the editing process some selected frames are deleted where trimming action is applied as seen in Figure 1 and 4a-4d and disclosed in Column 5 Lines 18 through Column 6 Lines 65. It is seen frame selection means are used to deslect desired frames during video clip processing and thereby providing an advantage of facilitating the video clip processing. Therefore, it wold have been obvious to one of ordinary skill in the art to use the system, disclosed by Utsumi et al in view of Kanda, and incorporate the frame selecting means for selecting desired frame/frames from a video sequence which facilitates the processing of video image sequence.

[claims 7 & 33]

In regard to Claims 7 and 33, Utsumi et al in view of Kanda, discloses an image transmission apparatus for transmitting main and sub-images; however, fails to disclose that the image information includes multiple frames of continuously photographed images. Chao et al teaches a computer based system for editing video and audio sequences comprising video clips, continuously photographed sequence of frames as further described in Column 3 Lines 27-67. Therefore, it would have been obvious to one of ordinary skill in the art to modify Utsumi et al and incorporate video clips as taught by Chao. Thereby providing the process video and clips and increasing the dynamic range of Utsumi. Utsumi in view of Kanda in further view of Chao fail to explicitly disclose that reproduction time setting means sets the reproduction time of each frame based on frame rate at the time of shooting. Official notice is taken that it is

well known to one of ordinary skill in the art that images are reproduced based on the

recording rate in order to reproduce the images in their normal sequences. It, therefore,

would have been obvious to reproduce video clips of Utsumi et al and modify with Chao

based on frame rate at time of recording. It is noted that the examiner reads frame rate

at the time of shooting as frame rate at the time of recording and thereby making it

obvious for the reproduction time setting means of Utsumi et al now modified with Chao

to set the reproduction time of the frames of video clips based on the frame rate at the

time of shooting in order tp reproduce the frames in their normal sequence.

4.   Claims 10 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Utsumi et al (US 5,574,569) in view of Kanda (US 5,930,446) in view of Chao et al

(US 5,732,184) in further view of Freeman et al (US 5,579,293).

[claims 10 & 36]

In regard to Claims 10 and 36, Utsumi et al in view of Kanda and Chao et al fail to

disclose wherein when images that are continuously photographed include sound

information and there is at least one frame that is not selected by the frame selection

means, the reproduction means reproduces a frame which either proceeds or follows

the at least one frame which is not selected in place of the frame which is not selected.

Freeman et al teaches coapturing a video and audio signals at one location and

transmitting the captured signals to another location over various telemetric frequencies

comprising bit map files which are video files and remote units. The remote unit is

capable of storing and disaplying up to eight bit map files. When the ninth file is

captured, the software will automatically overwrite the oldest captured data file and

display the new file on the control screen as further described in Column 5 Lines 20-34.

This principle of dropping excess or replacing lost frames for example helps to improve

the fidelity of the reproduced final product by maintaining the complete sequences of the

reproduces images. It would have been obvious to further modify Utsumi et al by

realizing Utsumi with the means to drop excess or replace lost frames as taught by

Freeman, in order to help improve the fidelity of the reproduced final product by

maintaining the complete sequence of reproduced images.

5.   Claims 9, 11, 35, and 37 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Utsumi et al (US 5,574,569) in view of Kanda (US 5,930,446) in view

of Chao et al (US 5,732,184) in further view of Anderson (US 5,812,736).

[claims 9, 11, 35, & 37]

        In regard to Claims 9, 11, 35, and 37 Utsumi et a in view of Kanda and Chao et al

fail to disclose wherein the frame selection means selects all the frames of the

continuously photographed images when continuously photographed images include

sound. Anderson teaches in Figues 1-4 a method for creating slide shows with sound

track in real-time using a digital camera wherein the process of a slide show a series of

images is accompanied by sound. As shown in Figure 5 there is the audio track which

is continuous and image track which his not. The audio is inherently a time-based

media which still images are not inherently time based media. The images are shown

at predetermined time in the audio time line. It can be seen from Figure 5 that there is

the audio track which is continuous and the video track which is reproduced at a

predetermined time interval along the audio time line. As shown in Figure 6 when the

video frames are to be played back both images and the audio are played in sequence.

This way both the audio and the corresponding video frames are played together which

provides a more complete slide show. It is further noted although Anderson teaches still

images it is officially known that moving pictures constitutes a sequence of still images.

Therefore, it would have been obvious to one of ordinary skill to use the system

disclosed by Utsumi and modify the system to process continuously photographed

picture frames and furthermore select all the frames of the photographed images when

the photographed images includes sound in order to reproduce a more complete

audio/video process.

6.   Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Utsumi

et al (US 5,574,569) in view of Kanda (US 5,930,446) in further view of Anderson (US

5,812,736).

[claim 22]

In regard to Claim 22, Utsumi et al in view of Kanda fails to disclose a digital camera.

Anderson teaches in Figures 1-4 a method and system for creating a slide show with

sound track in real-time using a digital camera comprising digital camera 110 (see figure

1). It would have been obvious to add a digital camera to Utsumi et al as taught by

Anderson, in order for Utsumi to produce its own video images.

7.   Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Utsumi

et al (US 5,574,569) in view of Kanda (US 5,930,446) in view of Anderson (US

5,812,736) in further view of Matsumoto et al (US 5,796,428).

[claim 23]

In regard to Claim 23, Utsumi et al in view of Kanda in view of Anderson teaches the

claimed photoelectric converter (lens 220 and image sensor 224 in Figure 2); however,

fails to discloses the claimed touch tablet. Matsumoto teaches in Figure 1-4 electronic

photography system which can electronically record images on such a memory device

as a semiconductor memory or a magnetic disk without using any films comprising a

command input part 110 which is used to enter a command to the image storage

display unit 102 in Figure 4, which use of a switch or a pen table (touch tablet) as

described in Column 8 Lines 10-26. the touch tablet provides an additional means of

entering a command to the iamge storage/display means. Therefore, it would have

been obvious to additionally modify Utsumi by adding a pen input device which would

provide an additional means of entering a command to the image storage/display

means, as disclosed by Matsumoto et al.

Conclusion

8.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of

time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within
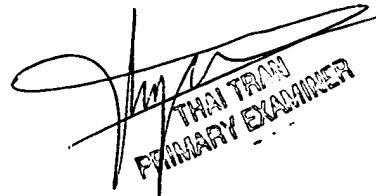
TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamie Vent whose telephone number is 571-272-7384. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).